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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,308	03/11/2004	Sami Movsesian	48020.2.1	1746

7590 09/15/2004

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EXAMINER

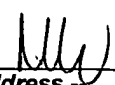
HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/800,308	Applicant(s) MOVSESIAN ET AL.	
	Examiner Stephen A. Holzen	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.  
     4a) Of the above claim(s) 38-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-31 is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-24 and 32-37 is/are rejected.
- 7) ☐ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/11/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-37, drawn to an insulation blanket, classified in class 244, subclass 119.
- II. Claims 38-49, drawn to an apparatus for making insulation blankets, classified in class 29, subclass 91.

The inventions are distinct, each from the other because of the following reasons:

5. Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product as claimed can be made by another and materially different apparatus.

2. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Adonis Nebelett on 8/29/2004 a provisional election was made without traverse to prosecute the invention of claims 1-37. Claims 38-49 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20, 22-24, and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Yates (6,677,026). Yates discloses every aspect and limitation in the claims. (Note: Yates discloses all the structural limitations in the claims, but does not disclose the intended use of the cushion matrix as an aircraft insulation blanket, however this implied use has not been given any patentable weight.)

7. Claims 1-20, 22-24, and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Ackley (5,360,653). Ackley discloses every element and limitation of these claims. (see Figure 2). (Note: Ackley discloses all the structural limitations in the claims, but does not disclose the intended use of the cushion matrix as an aircraft insulation blanket, however this implied use has not been given any patentable weight.)

8. Claims 1-20, 22-24, and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Poirier (4,275,473). Poirier discloses every element and limitation of these claims. (see Figures 2 and 4). (Note: Poirier discloses all the structural limitations in the claims, but does not disclose the intended use of the cushion matrix

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as an aircraft insulation blanket, however this implied use has not been given any patentable weight.)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poirier in view of ordinary skill in the art. Although Poirier does not disclose sizing the blanket to fit an aircraft fuselage it would have been obvious to "size" the blanket to any dimension deemed advantageous since alteration of size of an invention involves only routine skill in the art.

***Allowable Subject Matter***

11. Claims 25-31 are allowed.

Amano et al: (5,165,627): lining does not have inner and outer layers, but a waveform cross-section

Shorey (6,299,106) discloses a ceramic fiber batting but does not have a skin layer covering or modules separated by heat seal seams.

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Adams (3,867,244): does not teach a blanket having modules and does not disclose any form of heat sealing

Shorey (6,007,026): The blanket does not separate modules between heat sealed seams, instead the blanket is quilted.

Sloan (5,577,688): does not disclose heat-sealed seams, only separate non-connected bags filled with thermal material.

Barney et al (2003/0145773): The thermal blanket is formed with stitching and no via heat sealed seams.

Wolters (6,318,673): Wolters disclose no modules and no heat sealed seams.

Frische (2,160,066): does not disclose heat-sealed relationships and no modules separated there between.

Snacki et al (5,759,659): does not disclose a modular insulation blanket having heat sealed seams separating modules of a single blanket. Instead Snacki teaches a substantially planer blanket having an essentially uninterrupted cross sectional volume throughout and does not teach separating the blocks by connected layers of heat sealed seams

Eddy (5,788,184): does not disclose the modular system wherein the batting blocks are separated by modules, which are separated by heat sealed seams

Meirer et al (B1 5,169,700): discloses a single blanket having no modules made of glass fiber, and no heat sealed seams between modules.

Meirer et al (5,169,700): does not disclose modules separated by heat sealed seams. Instead this invention is concerned with the bonding of layers (46) in a stacked

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fashion. The insulation is not separated by heat sealed seams. The heat sealed seams are only used to enclose the batting of a stacked insulation configuration between different layers of skin.

Schmidt (5,560,569) does not teach modules connected/separated by heat sealed seams.

Takeda et al (2002/0187699) teaches blocks separated by sewing the fabric and not by heat-sealing the seams.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Teri P. Luu". The signature is fluid and cursive, with a large initial "T" and a stylized "L".

**TERI P. LUU**  
**SUPERVISORY PRIMARY EXAMINER**